



ORDINANCE NO. -2009

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** A REQUEST BY FAUSTO AND MARIA DEL CARMEN DIAZ TO AMEND THE LAND USE DISTRICT DESIGNATION FROM IMPROVED SUBDIVISION – DUPLEX (IS-D) TO IMPROVED SUBDIVISION – VACATION RENTAL (IS-V) OF PROPERTY LEGALLY DESCRIBED AS BLOCK 8, LOT 2, DUCK KEY INDIES ISLAND SECTION 1, PART 1, PB5-82 TOMS HARBOR, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00377800-000000.

WHEREAS, during a regularly scheduled public meeting held on May 20, 2009, the Monroe County Board of County Commissioners conducted a review and consideration of a request filed by The Craig Company on behalf of Fausto and Maria Del Carmen Diaz, to amend the subject property's current land use designation from Improved subdivision – Duplex (IS-D) to Improved Subdivision – Vacation Rental (IS-V); and

WHEREAS, in the map amendment application to the Planning & Environmental Resources Department, received February 5, 2008, the Applicant requested that the current land use map designation of one (1) parcel identified as Real Estate Number 00377800-000000, be amended from Improved Subdivision – Duplex (IS-D) to Improved Subdivision – Vacation Rental (IS-V); and

WHEREAS, at its April 22, 2009 meeting in Marathon, the Monroe County Planning Commission reviewed the application and recommended approval of a request filed by The Craig Company on behalf of Fausto Diaz and Maria Del Carman Diaz, to amend the subject property's current land use designation as indicated in PC Resolution P -09; and

WHEREAS, the subject property is located at 1125 Greenbriar Road, Duck Key and is legally described as Block 8, Lot 2, Duck Key Indies Island Section 1, Part 1, PB5-82 Toms Harbor, having Real Estate Number 00377800-000000; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Findings of Fact and Conclusions of Law:

1. §102-158(a) of the Monroe County Code maintains that map amendments are not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit a change in community character, as analyzed in Monroe County Year 2010 Comprehensive Plan, but only to make necessary adjustments in light of changed conditions; and
2. Pursuant to §102-158(d)(5)b of the Monroe County Code, the Monroe County Board of County Commissioners may consider the adoption of an ordinance enacting the proposed change based on one (1) or more of the following factors: (i) Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based; (ii) Changed assumptions (e.g., regarding demographic trends); (iii) Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan; (iv) New issues; (v) Recognition of a need for additional detail or comprehensiveness; or (vi) Data updates; and
3. Map amendments shall be consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and
4. The map amendment is consistent with the provisions and intent of Chapter 102 of the Monroe County Code:
 - a. MCC Section 102-158 prohibits any map amendments that would negatively impact community character.
 - b. MCC Section 102-158(a) maintains the map amendment is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit a change in community character, as analyzed in Monroe County Year 2010 Comprehensive Plan, but only to make necessary adjustments in light of changed conditions.
 - c. The proposed current land use designation will not adversely affect natural resources.
 - d. The proposed current land use designation will not adversely effect traffic circulation.
 - e. The proposed current land use designation amendment will not adversely effect solid waste.
 - f. The proposed current land use designation amendment will not adversely effect potable water.

- g. Staff has determined that the proposed map FLUM amendment is consistent with MCC Sec. 102-158(d)(5)b: (i) Changed projections, (ii) Changed assumptions, and (v) Recognition of a need for additional detail or comprehensiveness; and
- 5. The proposed map amendment shall not relieve particular hardships, nor confer special privileges or rights on any person, nor permit a change in community character, as analyzed in the Monroe County Year 2010 Comprehensive Plan as directed by §102-158(a) of the Monroe County Code; and
- 6. The proposed map amendment is consistent with the Principles for Guiding Development and not inconsistent with any principle in the Florida Keys Area of Critical State Concern; and

WHEREAS, during a regularly scheduled public meeting held on May 20, 2009, the Monroe County Board of County Commissioners conducted a review and consideration of a request filed by The Craig Company on behalf of Fausto and Maria Del Carmen Diaz, to amend the subject property's current land use designation from Improved subdivision – Duplex (IS-D) to Improved Subdivision – Vacation Rental (IS-V) for the subject property located at 1125 Greenbriar Road, Duck Key, legally described as Block 8, Lot 2, Duck Key Indies Island Section 1, Part 1, PB5-82 Toms Harbor, having Real Estate Number 00377800-000000;

NOW THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The previously described property, which is currently designated Improved Subdivision – Duplex (IS-D) shall be designated Improved Subdivision (IS-V) as shown on the attached maps, which are hereby incorporated by reference and attached as Exhibits 1 and 2.

Section 4. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 6. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 20th day of May A.D., 2009.

Mayor George Neugent	_____
Mayor Pro Tem Sylvia Murphy	_____
Commissioner Kim Wigington	_____
Commissioner Heather Carruthers	_____
Commissioner Mario Di Gennaro	_____

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY _____
Mayor George Neugent

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK